

ATTORNEY DOCKET NO. 020431.0463

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Application No. 09/156,334

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REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed August 10, 2001. Applicants appreciate the Examiner's consideration of the Application and Applicants' response to the first Office Action. Applicants have amended Claims 1, 5, 15, 20, and 48 to further clarify, more particularly point out, and more distinctly claim at least some of the various patentable distinctions over the prior art previously present in Applicants' claims. At least the changes to Claim 1 do not narrow the claims. None of these changes are considered necessary for patentability. Applicants respectfully request further examination, reconsideration, and favorable action.

The Examiner has determined that Claims 21-47 are directed to an invention that is independent or distinct from the invention originally claimed and has therefore withdrawn Claims 21-47 from consideration as being directed to a non-elected invention.

The Examiner rejects Claims 1-7, 20, and 48 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,630,069 to Flores et al. ("*Flores*") and rejects Claims 10-12 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *The Integrated Supply Chain Management System* by Fox et al. ("*Fox*").

***Flores* Fails to Disclose, Teach, or Suggest Numerous Limitations
Recited in Applicants' Claims**

Flores discloses a workflow analyst that is a component of a complete workflow system allowing a user to create workflow maps of business processes. (Column 3, Lines 18-21). A business process consists of a sequence of basic transactions called workflows. (Column 1, Lines 19-21). In particular, *Flores* defines a business process as a network of workflows linked together that represent the recurrent process by which an organization performs and completes work, delivers products and services, and satisfies customers. (Column 5, Lines 55-57). Maps of these business processes highlight various features of business processes (Column 2, Lines 9-19) and enable analysts to identify opportunities for improvement. (Column 2, Lines 20-21).

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Software used to implement the workflow analyst disclosed in *Flores* is based on a Model-View-Controller, object-oriented programming paradigm that includes a number of model classes. (Column 14, Lines 33-36; Column 16, Line 1 to Column 19, Line 47). One such model class, *WfConditionalLink*, includes description text and documents conditional links between workflows. (Column 18, Lines 30-32). Another, *WfLink*, models logical links between workflows and conditional links, including link types, triggers, and triggered actions in source and target workflows. (Column 18, Lines 46-51). The data stored in these and other model classes is used for drawing workflow maps of business processes and their components. (Column 14, Lines 52-54; Column 15, Lines 57-60).

According to *Flores*, every workflow has a customer role—the person for whom work is done—and a performer role—the person responsible for completing the work and declaring when the work is done. (Column 1, Lines 21-33). For example, in the sentence, “John asked Frank to prepare the report and deliver it by noon on Friday,” John is the customer for the workflow and Frank is the performer. (Column 1, Lines 40-56). As another example, in the sentence, “John proposed to prepare the report and deliver it by noon on Friday for Frank,” John is the performer for the workflow and Frank is the customer. (Column 1, Lines 48-52). A workflow can also have observers. (Column 1, Lines 24-25). An observer is defined as a person who cannot perform acts in a workflow, but is informed of acts in the workflow and has access to information associated with the workflow. (Column 1, Line 56; Column 6, Lines 34-38; Column 8, Lines 1-5). Such persons typically observe for management or training purposes. (Column 1, Lines 56-57).

Within a business process map, workflows are displayed as loops. (Column 1, Line 63; Column 3, Lines 25-28; Figures 1a-1f; Figure 2). Such maps display relevant information regarding each workflow, including the customer, performer, and conditions of satisfaction, (Column 1, Lines 63-66; Figures 1a-1f; Figure 2) as well as relationships among the workflows called links. (Column 2, Lines 1-2; Figure 2). A link, according to *Flores*, is a defined dependency between two workflows and a mechanism by which dependencies between workflows are established (Column 6, Lines 22-25) and is graphically represented

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within a business process map as a line with an arrowhead connecting two workflows. (Column 8, Lines 57-58). A link specifies a relationship between two workflows in which an action in one workflow causes an action in another (Column 8, Lines 42-44) and contains definitions of trigger conditions and resulting actions. (Column 8, Lines 46-47). In a loan approval business process, as explained in *Flores*, the workflow in which the loan is approved is linked to the workflow in which the bank issues a check. (Column 2, Lines 2-5). If the loan is approved, a secondary, "write check" workflow is triggered, otherwise the "write check" workflow is not triggered. (Column 2, Lines 5-8).

According to *Flores*, a workflow server is the heart of a workflow system. (Column 4, Line 22). Workflow operations are concentrated in the workflow server, rather than in end-user applications. (Column 4, Lines 22-24). The workflow server includes a transaction manager, a workflow processor, a workflow updater, a workflow language interpreter, and an agent manager. (Column 4, Lines 30-32). The workflow server uses a transactions database, which contains a history of completed workflows and workflows in progress for use in determining new workflow states and available actions, (Column 4, Lines 33-34; Column 4, Lines 58-61) and a names/routing database. (Column 4, Lines 33-34). Workflow-enabled applications interface with the workflow server via the transactions database of the workflow server, APIs, or messaging, database, or inter-process communications. (Column 5, Lines 9-13). According to *Flores*, this client-server design allows workflow logic and overhead functionality to be handled at the workflow server, eliminating the need for applications to include intelligence about workflows as part of their design. (Column 4, Lines 25-30).

Thus, *Flores* fails to disclose, teach, or suggest, numerous limitations recited in Applicants' claims for at least the following reasons.

1. No disclosure, teaching, or suggestion of a computer-implemented process that manages or interacts with a workflow.

Flores discloses model classes that are part of an object-oriented programming paradigm on which workflow analyst software is based. Some of these classes contain

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information regarding links between workflows, including triggering actions and triggered actions in source and target workflows, but *Flores* clearly states that the data stored in these classes is used simply for drawing workflow maps of business processes and their components. *Flores* therefore fails to disclose, teach, or suggest a "computer-implemented process" that "manage[s] a distributed workflow" and "interact[s] with the workflow at . . . distributed nodes to perform . . . predefined functions," as recited in independent Claim 1 of the present application.

2. No disclosure, teaching, or suggestion of a set of predefined functions generating a workflow.

Flores discloses actions taken by one of two persons in a workflow initiating other workflows and this relationship among the workflows being displayed within a business process map. For example, as explained in *Flores*, it is the approval of a loan that initiates a "write check" workflow. Therefore, even assuming for the sake of argument that initiating a workflow could be properly viewed as "generating a workflow," *Flores* would still fail to disclose, teach, or suggest a "set of predefined functions" that generates a workflow, as recited in independent Claim 2 of the present application.

3. No disclosure, teaching, or suggestion of multiple enterprises.

Flores discloses workflows having customer roles, performer roles, and observer roles, but provides no disclosure, teaching, or suggestion that these roles may be associated with different enterprises. In fact, *Flores* teaches away from this possibility, defining each of these roles as *a person* who either requests work, undertakes to do work, or observes a workflow, as well as defining a business process as a network of linked workflows that represent the recurrent process by which *an organization* performs and completes work, delivers products and services, and satisfies customers. Examples given to explain the concept of customer roles and performer roles also teach away from this possibility in that they involve persons designated by their first names and center around an activity—preparing a report—common within a single enterprise. An example given to explain the concept of

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linked workflows also teaches away from this possibility in that it includes a business process—a loan approval process—that exists entirely within a single organization.

Therefore, *Flores* does not disclose, teach, or suggest a set of predefined functions generating a “workflow between a plurality of enterprises,” as recited in dependent Claim 2.

4. No disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to a plurality of enterprises in relation to a collaboration between the enterprises.

As discussed above, *Flores* discloses different roles involved in a workflow, but provides no disclosure, teaching, or suggestion that these roles may be associated with different enterprises. *Flores* instead defines each of these roles as a person who performs distinct tasks, defines a business process as a network of linked workflows that represent the recurrent process by which an organization completes work, delivers products and services, and satisfies customers, and explains various concepts disclosed in *Flores* using examples that involve only a single organization.

Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process or a system that operates, at least in part, external to a plurality of enterprises in relation to a collaboration between the enterprises, as recited in some of Applicants' claims:

a. a computer-implemented process for generating a collaboration “between a plurality of enterprises,” which computer-implemented process “operates at least in part external to the enterprises” and receives a preliminary collaboration “from a first enterprise,” automatically transmits the preliminary collaboration “to a predefined second enterprise” for review, receives a response to the preliminary collaboration “from the second enterprise,” automatically transmits the response “of the second enterprise . . . to the first enterprise” for review, and receives a response to the response “of the second enterprise from the first enterprise,” the responses “of the first and second enterprises” ultimately resulting in a final collaboration based on the preliminary collaboration and optimized “for the first and second enterprises,” as recited in independent Claim 5;

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b. a response "from the first enterprise" comprising a comment on a preliminary collaboration, as recited in dependent Claim 6;

c. a response "from the first enterprise" comprising a modification of a preliminary collaboration, as recited in dependent Claim 7;

d. a computer-implemented process for generating a collaboration "between a plurality of enterprises," which computer-implemented process "operates at least in part external to the enterprises" and receives an approval "from each of the first and second enterprises" for a collaboration based on the preliminary collaboration and reflecting responses "of the first and second enterprises," automatically transmits the collaboration "to a predefined third enterprise" for review, receives a response to the collaboration "from the third enterprise," automatically transmits the response "of the third enterprise . . . to the first and second enterprises" for review, and receives responses to the responses "of the third enterprise from the first and second enterprises," the responses "of the first, second, and third enterprises" ultimately resulting in a final collaboration based on the preliminary collaboration and optimized "for the first, second, and third enterprises," as recited in dependent Claim 10;

e. a response "of the third enterprise" comprising a comment on a collaboration, as recited in dependent Claim 11;

f. a response "of the third enterprise" comprising a modification to the collaboration, as recited in dependent Claim 12;

g. a computer-implemented process for deploying a collaboration generated "by a first enterprise to a plurality of other enterprises," which computer-implemented process "operates at least in part external to the enterprises," and receives a final collaboration approved "by first, second, and third enterprises," automatically transmits a predefined first part of the collaboration "to a predefined second enterprise" for operation "at the second enterprise," and automatically transmits a predefined second part of the collaboration "to a predefined third enterprise" for operation "at the third enterprise," as recited in independent Claim 15;

h. a computer-implemented process requesting an approval "from the second enterprise" for operation of a first part of a collaboration "at a node of the second enterprise,"

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and requesting an approval "from the third enterprise" for operation of a second part of the collaboration "at a node of the third enterprise," as recited in dependent Claim 16;

i. a computer-implemented process, in response to receiving an approval "from the second enterprise," notifying a "third enterprise" of the approval, as recited in Claim 17;

j. a computer-implemented process, in response to receiving approvals "from the second and third enterprises," transmitting a signal "to the second and third enterprises" to operate first and second parts of a collaboration, respectively, as recited in dependent Claim 18;

k. a computer-implemented process, in response to receiving approvals to operate a collaboration "from all enterprises" to which any part of the collaboration was transmitted, transmitting a signal "to all of the enterprises" to which any part of the collaboration was transmitted to operate the corresponding transmitted parts of the collaboration, as recited in dependent Claim 19;

l. a computer-implemented process for monitoring a collaboration "across a plurality of enterprises," which computer-implemented process "operates at least in part external to the enterprises" and receives a first predefined set of data associated with operation of a first portion of the collaboration "at a first node of a first enterprise," the first set of data having been collected in response to an automatic query of the first node for the first set of data and receiving a second predefined set of data associated with operation of a second portion of the collaboration "at a second node of a second enterprise," the second set of data having been collected in response to an automatic query of the second node for the second set of data, as recited in independent Claim 20; and

m. a system for generating a collaboration "between a plurality of enterprises," which system "operates at least in part external to the enterprises," comprising means for receiving a preliminary collaboration "from a first enterprise," means for automatically transmitting the preliminary collaboration "to a predefined second enterprise" for review, means for receiving a response to the preliminary collaboration "from the second enterprise," means for automatically transmitting the response "of the second enterprise to the first enterprise" for review, and means for receiving a response to the response "of the second enterprise from the first enterprise," the responses "of the first and second enterprises"

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ultimately resulting in a final collaboration based on the preliminary collaboration and optimized "for the first and second enterprises," as recited in independent Claim 48.

5. No disclosure, teaching, or suggestion of operation of a workflow at a plurality of distributed nodes.

Flores discloses a workflow-enabled application interfacing to a workflow server via a transactions database of a workflow server, APIs, or messaging, database, or inter-process communications, but nowhere does *Flores* disclose, teach, or suggest that these applications participate in workflows. In fact, *Flores* teaches away from this possibility. First, *Flores* discloses that only persons take action in workflows. Second, *Flores* discloses that workflow operations are concentrated in a workflow server and not in end-user applications. According to *Flores*, such a client-server design allows workflow logic and overhead functionality to be handled at the workflow server, eliminating the need for applications to include intelligence about workflows as part of their design.

Therefore, even assuming for the sake of argument that the workflow-enabled applications disclosed in *Flores* could properly be viewed as "distributed nodes," *Flores* would still fail to disclose, teach, or suggest "operation of the workflow" at distributed nodes, as recited in dependent Claim 3.

6. No disclosure, teaching, or suggestion of a set of predefined functions transmitting data associated with the operation of a workflow to a monitoring system.

Flores discloses persons monitoring workflows. Even assuming, however, for the sake of argument that such a person could be properly viewed as a "monitoring system," *Flores* would still fail to disclose, teach, or suggest "data associated with operation of the workflow at each of [a plurality of] distributed nodes" being transmitted by "predefined functions" to a monitoring system, as recited in dependent Claim 3.

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7. No disclosure, teaching, or suggestion of a set of predefined functions deploying a workflow to a plurality of distributed nodes.

Flores discloses actions taken by a person in one workflow initiating other workflows. *Flores* also discloses one person requesting another person to perform work and the other person undertaking to perform the work. However, even assuming for the sake of argument that initiating a workflow or one person requesting another person to perform work could be properly viewed as "deploy[ing a] workflow," *Flores* would still fail to disclose, teach, or suggest a "set of predefined functions" deploying a workflow, as recited in dependent Claim 4.

8. No disclosure, teaching, or suggestion of a computer-implemented process or other means for receiving and transmitting a preliminary collaboration, receiving and transmitting a response to the preliminary collaboration, or receiving a response to the response.

Flores discloses two scenarios. In the first, one person requests another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person agrees to the request. In the second, one person offers to another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person accepts the offer. But nowhere does *Flores* disclose, teach, or suggest a "computer-implemented process" receiving and transmitting a preliminary collaboration, receiving and transmitting a response to the preliminary collaboration, or receiving a response to the response, as recited in independent Claim 5. Neither does *Flores* disclose means for performing such operations, as recited in independent, means-plus-function Claim 48. In fact, *Flores* teaches away from this, disclosing in both of the above scenarios two persons interacting directly with each other to determine work to be performed by one of them.

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9. No disclosure, teaching, or suggestion of a final collaboration optimized for multiple enterprises.

Flores discloses two persons negotiating conditions of satisfaction—meaning conditions that a customer has declared or agreed to, the fulfillment of which is the purpose of a workflow—for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. However, nowhere does *Flores* disclose, teach, or suggest that such negotiation results in “a final collaboration . . . optimized” for either of the two persons, much less two or more enterprises.

Therefore, *Flores* does not disclose, teach, or suggest the following limitations recited in some of Applicants’ claims:

- a. responses of first and second enterprises ultimately resulting in a final collaboration based on a preliminary collaboration and “optimized for the first and second enterprises,” as recited in independent Claims 5 and 48; and
- b. responses of first, second, and third enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and “optimized for the first, second, and third enterprises,” as recited in dependent Claim 10.

10. No disclosure, teaching, or suggestion of a response comprising a comment on a preliminary collaboration or a modification of a preliminary collaboration.

Flores discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached, but nowhere does *Flores* disclose, teach, or suggest the nature of the communication between the two persons, much less that such communication involves a comment on a preliminary collaboration or a modification of a preliminary collaboration. *Flores* also discloses various labels for actions in one workflow that cause actions in another workflow, such as request, agree, offer, accept offer, counter-offer, accept counter-offer, decline counter-offer, etc., but nowhere does *Flores* disclose,

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teach, or suggest what these actions involve, much less that they involve a comment on a preliminary collaboration or a modification of a preliminary collaboration.

Therefore, *Flores* does not disclose, teach, or suggest the following limitations recited in some of Applicants' claims:

- a. a response of a first enterprise comprising a "comment on the preliminary collaboration," as recited in dependent Claim 6;
- b. a response of a first enterprise comprising a "modification of the preliminary collaboration," as recited in dependent Claim 7;
- c. a response of a third enterprise comprising a "comment on the collaboration," as recited in dependent Claim 11; and
- d. a response of a third enterprise comprising a "modification to the collaboration," as recited in dependent Claim 12.

11. No disclosure, teaching, or suggestion of data collected in response to an automatic query of a node being received by a computer-implemented process and automatically transmitted to a monitoring system in response to the querying of the node.

Flores discloses a workflow server that uses a transactions database containing a history of completed workflows and workflows in progress to determine new workflow states and available actions. Nowhere does *Flores* disclose, teach, or suggest how data makes its way into the transactions database, much less that data collected in response to an automatic query of a node is received by a computer-implemented process and automatically transmitted to a monitoring system in response to the querying of the node. This is true even assuming for the sake of argument that one of *Flores*' workflows could properly be viewed as a collaboration.

Therefore, *Flores* fails to disclose, teach, or suggest a "computer-implemented process" operable to "receive" a first predefined set of data associated with operation of a first portion of the collaboration at a first node of a first enterprise, the first set of data

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"having been collected in response to an automatic query of the first node for the first set of data," "automatically transmit" the first set of data "to a monitoring system in response to the querying of the first node," "receive" a second predefined set of data associated with operation of a second portion of the collaboration at a second node of a second enterprise, the second set of data "having been collected in response to an automatic query of the second node for the second set of data," and "automatically transmit" the second set of data "to the monitoring system in response to the querying of the second node," as recited in independent Claim 20.

12. No disclosure, teaching, or suggestion of a computer-implemented process receiving an approval from each of first and second enterprises for a collaboration based on a preliminary collaboration and reflecting responses of the first and second enterprises.

Flores, as discussed above, discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. But nowhere does *Flores* disclose, teach, or suggest receiving approval from two enterprises for a collaboration based on a preliminary collaboration and reflecting responses of the two enterprises. Even assuming for the sake of argument that *Flores* does disclose these limitations, *Flores* would still fail to disclose, teach, or suggest a "computer-implemented process" that receives such an approval for such a collaboration, as recited in dependent Claim 10.

13. No disclosure, teaching, or suggestion of a computer-implemented process automatically transmitting a collaboration to a predefined third enterprise for review.

Flores discloses a person observing a workflow, typically for management or training purposes. Even assuming for the sake of argument that an observer could be properly viewed as a "predefined third enterprise," which it cannot, *Flores* would still fail to disclose, teach, or suggest automatically transmitting to a predefined third enterprise for review a collaboration

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based on a preliminary collaboration for which approval has been received from two other enterprises. Even assuming for the sake of argument that *Flores* does disclose these limitations, *Flores* would still fail to disclose, teach, or suggest a "computer-implemented process" that automatically transmits such a collaboration to a predefined third enterprise for review, as recited in dependent Claim 10.

14. No disclosure, teaching, or suggestion of a predefined third enterprise that takes any direct action within a workflow.

Flores discloses a person observing a workflow, but clearly states that such a person takes no direct action in the workflow. Thus, *Flores* fails to disclose, teach, or suggest a predefined third enterprise responding to a collaboration, approving a final collaboration, operating part of a collaboration, or taking any other action. The Examiner acknowledges this deficiency of *Flores* on Page 6 of the final Office Action.

Therefore, *Flores* does not disclose, teach, or suggest the following limitations recited in some of Applicants' claims:

- a. a computer-implemented process receiving a "response to the collaboration from the third enterprise," as recited in dependent Claim 10;
- b. a computer-implemented process automatically transmitting a "response of the third enterprise" to first and second enterprises for review, as recited in dependent Claim 10;
- c. "responses of the first, second, and third enterprises" ultimately resulting in a final collaboration based on a preliminary collaboration and optimized for the first, second, and third enterprises, as recited in dependent Claim 10;
- d. a "response of the third enterprise" comprising a comment on a collaboration, as recited in dependent Claim 11;
- e. a "response of the third enterprise" comprising a modification to a collaboration, as recited in dependent Claim 12;
- f. a computer-implemented process receiving a final collaboration "approved" by "first, second, and third enterprises," as recited in independent Claim 15;

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g. a computer-implemented process automatically transmitting a predefined second part of a collaboration to a predefined third enterprise "for operation at the third enterprise, as recited in independent Claim 15; and

h. a computer-implemented process requesting an approval from a third enterprise "for operation of the second part of the collaboration at a node of the third enterprise," as recited in independent Claim 16.

15. No disclosure, teaching, or suggestion of a computer-implemented process receiving a final collaboration and automatically transmitting part of the final collaboration to one entity and another part of the final collaboration to another entity for operation at the respective entities.

Flores, as discussed above, discloses two scenarios. In the first, one person requests another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person agrees to the request. In the second, one person offers to another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person accepts the offer. *Flores* also discloses linked workflows and workflows that include multiple workflows. However, even assuming for the sake of argument that the work performed by one of the persons in a workflow could be viewed as a "final collaboration" or a "predefined . . . part of the collaboration," *Flores* would still fail to disclose, teach, or suggest a "computer-implemented process" receiving a final collaboration and transmitting different parts of the final collaboration to different entities, as recited in independent Claim 15.

16. No disclosure, teaching, or suggestion of approvals being requested from different entities for operation of different parts of a final collaboration at nodes of the different entities.

Flores, as discussed above, discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other

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person. This negotiation and agreement or acceptance involves but two persons, and only one of these persons performs any work after this negotiation and acceptance or agreement. Thus, *Flores* fails to disclose, teach, or suggest "an approval from the second enterprise for operation of the first part of the collaboration at a node of the second enterprise" and "an approval from the third enterprise for operation of the second part of the collaboration at a node of the third enterprise," as recited in dependent Claim 16. *Flores* also discloses various labels for actions in one workflow that cause actions in another workflow, such as request, agree, offer, accept offer counter-offer, accept counter-offer, decline counter-offer, etc., but these portions of *Flores* fail to account for the deficiencies of the portions of *Flores* discussed above.

17. No disclosure, teaching, or suggestion of a computer-implemented process requesting approval from an entity for operation of part of a final collaboration at a node of the entity.

Flores, as discussed above, discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. This negotiation and agreement or acceptance involves but two persons interacting directly with each other. Thus *Flores* fails to disclose, teach, or suggest a "computer-implemented process" requesting approval from an enterprise for operation of part of a final collaboration at a node of the enterprise, as recited in dependent Claim 16.

18. No disclosure, teaching, or suggestion of a computer-implemented process notifying an entity, from which approval has been or will be requested for operation of part of a final collaboration at a node of the entity, of approval being received from another entity for operation of another part of the final collaboration at a node of the other entity.

Flores discloses a person observing a workflow, typically for management or training purposes. *Flores* clearly states that such a person takes no direct action in a workflow. Thus

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Flores fails to disclose, teach, or suggest a "predefined third enterprise," from which an approval has been or will be requested for operation of a second part of a final collaboration at a node of the predefined third enterprise, being notified of a similar approval being given by a "second predefined enterprise" as recited in dependent Claim 17. This is true even assuming for the sake of argument that a person observing a workflow could be properly viewed as notifying an entity of approval being given by another entity for operation of part of a final collaboration at a node of the other entity.

***Fox* Fails to Account for the Deficiencies of *Flores*,
Even if They Could be Properly Combined**

Fox discloses a supply chain agent called a planning/scheduling function that "orchestrates" the behavior of other supply chain agents to improve the overall quality of supply chain management. (Page 3, Lines 3-7). Such agents, according to *Fox*, manage a supply chain, each being responsible for one or more activities within the supply chain and interacting with other agents in the planning and execution of the activities for which it is responsible. (Page 2, Lines 40-42). *Fox* defines a supply chain as a set of activities that span enterprise functions from the ordering and receipt of raw materials through the manufacturing of products and their distribution and delivery to customers. (Page 1, Lines 33-35). According to *Fox*, the coordination of such functions across the enterprise is required to provide rapid and quality responses to supply chain events. (Page 1, Lines 36-37).

Thus, even it were possible to properly combine *Fox* with *Flores*, the proposed combination would still fail to disclose, teach, or suggest numerous limitations recited in Applicants' claims for at least the following reasons.

No disclosure, teaching, or suggestion of a predefined third enterprise.

Fox discloses a supply chain agent that orchestrates the behavior of other supply chain agents. Nowhere does *Fox* disclose, teach, or suggest that such a supply chain agent itself constitutes a "predefined third enterprise." *Fox* in fact teaches away from this

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possibility, disclosing that such a supply chain agent is but one of many involved in a supply chain and that a supply chain spans but one enterprise. Thus, *Fox* fails to account for *Flores* not disclosing, teaching, or suggesting a "predefined third enterprise" that takes direct action in a workflow.

Therefore, *Fox* does not disclose, teach, or suggest the following limitations recited in some of Applicants' claims:

- a. a computer-implemented process receiving a "response to the collaboration from the third enterprise," as recited in dependent Claim 10;
- b. a computer-implemented process automatically transmitting a "response of the third enterprise" to first and second enterprises for review, as recited in dependent Claim 10;
- c. "response of the first, second, and third enterprises" ultimately resulting in a final collaboration based on a preliminary collaboration and optimized for the first, second, and third enterprises, as recited in dependent Claim 10;
- d. a "response of the third enterprise" comprising a comment on a collaboration, as recited in dependent Claim 11;
- e. a "response of the third enterprise" comprising a modification to a collaboration, as recited in dependent Claim 12;
- f. a computer-implemented process receiving a final collaboration "approved" by "first, second, and third enterprises," as recited in independent Claim 15;
- g. a computer-implemented process automatically transmitting a predefined second part of a collaboration to a predefined third enterprise "for operation at the third enterprise, as recited in independent Claim 15; and
- h. a computer-implemented process requesting an approval from a third enterprise "for operation of the second part of the collaboration at a node of the third enterprise," as recited in dependent Claim 16.

Allowable Subject Matter

Applicants appreciate the Examiner's acknowledgement that Claims 18 and 19 contain allowable subject matter. Since Applicants believe independent Claim 15 and

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dependent Claim 16 on which these Claims depend are allowable for reasons discussed above, Applicants have not amended Claims 18 and 19 to incorporate the limitations of independent Claim 15 and dependent Claim 16. The Examiner notes a rejection under 35 U.S.C. § 112, second paragraph, as being set forth in a preceding paragraph of the final Office Action, but Applicants find no such rejection. If the objection to Claims 18 and 19 is maintained, Applicants respectfully request clarification. Applicants respectfully request reconsideration and allowance of Claims 18 and 19.

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Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request further examination and full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to call Christopher W. Kennerly, attorney for Applicants, at 214.953.6812.

Applicants believe that no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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Marked-Up Version of Claims

For the convenience of the Examiner, the following mark-ups reflect changes to the claims. The claims are amended as follows:

1. (Twice Amended) A computer-implemented process operable to manage [for managing] a distributed workflow[, operable to]:
the computer-implemented process operable to store a set of predefined functions for a workflow that are to be performed at a plurality of distributed nodes; and
the computer-implemented process operable to automatically interact with the workflow at each of the distributed nodes to perform the predefined functions.
2. The process of Claim 1, wherein the set of predefined functions are operable to generate a workflow between a plurality of enterprises.
3. The process of Claim 1, wherein the set of predefined functions are operable to transmit data associated with operation of the workflow at each of the distributed nodes to a monitoring system.
4. The process of Claim 1, wherein the set of predefined functions are operable to deploy the workflow to the distributed nodes.

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5. (Twice Amended) A computer-implemented process for generating a collaboration between a plurality of enterprises, the computer-implemented process operating at least in part external to the enterprises, the computer-implemented process operable to:

- receive a preliminary collaboration from a first enterprise;
- automatically transmit the preliminary collaboration from the computer-implemented process to a predefined second enterprise for review;
- receive a response to the preliminary collaboration from the second enterprise;
- automatically transmit the response of the second enterprise from the computer-implemented process to the first enterprise for review; and
- receive a response to the response of the second enterprise from the first enterprise, the responses of the first and second enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and optimized for the first and second enterprises.

6. The process of Claim 5, wherein the response of the first enterprise comprises a comment on the preliminary collaboration.

7. The process of Claim 5, wherein the response of the first enterprise comprises a modification of the preliminary collaboration.

Claims 8 and 9 have been cancelled.

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10. The process of Claim 5, further operable to;
receive an approval from each of the first and second enterprises for a collaboration based on the preliminary collaboration and reflecting the responses of the first and second enterprises;

subsequent to receiving the approvals from the first and second enterprises, automatically transmit the collaboration from the computer-implemented process to a predefined third enterprise for review;

receive a response to the collaboration from the third enterprise;

automatically transmit the response of the third enterprise from the computer-implemented process to the first and second enterprises for review; and

receive responses to the response of the third enterprise from the first and second enterprises, the responses of the first, second, and third enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and optimized for the first, second, and third enterprises.

11. The process of Claim 10, wherein the response of the third enterprise comprises a comment on the collaboration.

12. The process of Claim 10, wherein the response of the third enterprise comprises a modification to the collaboration.

Claims 13 and 14 have been cancelled.

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15. (Twice Amended) A computer-implemented process for deploying a collaboration generated by a first enterprise to a plurality of other enterprises, the computer-implemented process operating at least in part external to the enterprises, the computer-implemented process operable to:

receive a final collaboration approved by first, second, and third enterprises;

automatically transmit a predefined first part of the collaboration from the computer-implemented process to a predefined second enterprise for operation at the second enterprise; and

automatically transmit a predefined second part of the collaboration from the computer-implemented process to a predefined third enterprise for operation at the third enterprise.

16. The process of Claim 15, further operable to:

request an approval from the second enterprise for operation of the first part of the collaboration at a node of the second enterprise; and

request an approval from the third enterprise for operation of the second part of the collaboration at a node of the third enterprise.

17. The process of Claim 16, further operable to, in response to receiving the approval from the second enterprise, notify the third enterprise of the approval.

18. The process of Claim 16, further operable to, in response to receiving the approvals from the second and third enterprises, transmit a signal to the second and third enterprises to operate the first and second parts of the collaboration, respectively.

19. The process of Claim 16, further operable to, in response to receiving approvals to operate the collaboration from all enterprises to which any part of the collaboration was transmitted, transmit a signal to all of the enterprises to which any part of the collaboration was transmitted to operate the corresponding transmitted parts of the collaboration.

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20. (Twice Amended) A computer-implemented process for monitoring a collaboration across a plurality of enterprises, the computer-implemented process operating at least in part external to the enterprises, the computer-implemented process operable to:

receive a first predefined set of data associated with operation of a first portion of the collaboration at a first node of a first enterprise, the first set of data having been collected in response to an automatic query of the first node for the first set of data;

automatically transmit the first set of data from the computer-implemented process to a monitoring system in response to the querying of the first node;

receive a second predefined set of data associated with operation of a second portion of the collaboration at a second node of a second enterprise, the second set of data having been collected in response to an automatic query of the second node for the second set of data; and

automatically transmit the second set of data from the computer-implemented process to the monitoring system in response to the querying of the second node.

Claims 21-47 have been withdrawn from consideration.

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48. (Twice Amended) A system for generating a collaboration between a plurality of enterprises, the system operating at least in part external to the plurality of enterprises, the computer-implemented process comprising:

means for receiving a preliminary collaboration from a first enterprise;

means for automatically transmitting the preliminary collaboration to a predefined second enterprise for review;

means for receiving a response to the preliminary collaboration from the second enterprise;

means for automatically transmitting the response of the second enterprise to the first enterprise for review; and

means for receiving a response to the response of the second enterprise from the first enterprise, the response of the first and second enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and optimized for the first and second enterprises.